REMARKS/ARGUMENTS

In the Office Action mailed January 14, 2008, claims 1-11 were rejected. In response, Applicant hereby requests reconsideration of the application in view of the amendments and the below-provided remarks. No claims are added or canceled.

For reference, claims 1, 5, and 11 are amended. In particular, each of claims 1, 5, and 11 are amended to recite generating and transmitting a command-end signal within the circuit of the communication partner appliance. These amendments are supported, for example, by the subject matter described at page 11, lines 14-16, of the specification. Claims of 1 and 11 are also amended to recite transmitting a carrier signal not-present signal as a consequence of a missing carrier signal. These amendments are supported, for example, by the subject matter described at page 6, lines 10-18, of the specification.

Objections to the Drawings

The current application is a U.S. National Stage application. The labeling of figures with text matter is prohibited under PCT Rule 11.11, except when absolutely indispensible for understanding. Further, MPEP 1893.03(f) states that "[t]he USPTO may not impose requirements beyond those imposed by the Patent Cooperation Treaty (e.g., PCT Rule 11)." In the present application, Applicant submits that the addition of text labels to the drawings is not "absolutely indispensible" because the individual drawing elements are identified and described in the specification. In view of the above rules, Applicant respectfully asserts that additional text labeling is not required in the drawings of the current application.

Claim Rejections under 35 U.S.C. 102

Claims 1-11 were rejected under 35 U.S.C. 102(e) as being anticipated by Wood, Jr. (U.S. Pat. No. 6,466,771, hereinafter Wood). However, Applicant respectfully submits that these claims are patentable over Wood for the reasons provided below.

Independent Claim 1

Claim 1 recites "detectors for detecting the presence of the received carrier signal, these detectors transmitting a carrier signal present signal in the event that the carrier signal is present, and otherwise transmitting a carrier signal not-present signal as a consequence of a missing carrier signal" (emphasis added).

While the details of the specification do not limit the scope of the claims, it may be useful to refer to the description provided in the specification for a contextual understanding of the carrier signal present signal and the carrier signal not-present signal, as recited in claim. Within a communication partner appliance operating as a data carrier 2 (referred to Fig. 2), the detectors 32 are designed to detect the presence of a carrier signal received from another communication partner appliance operating as a reader station 3. If a carrier signal is present (i.e., the carrier signal is received from the reader station 3), the detectors 32 emit or transmit a carrier signal present signal PS within the data carrier 2 to the determination means 27. Otherwise, if the carrier signal is not present (i.e., the carrier signal is not received from the reader station 3), then the detectors 32 emit or transmit a carrier signal non-present signal (NPS) within the data carrier 2 to the determination means 27. Specification, page 13, lines 27-31. Hence, these signals, PS and NPS, indicate whether or not the carrier signal is received from the reader station 3. As a matter of clarification, claim 1 is presently amended to clarify that the carrier signal non-present signal NPS is generated as a consequence of a missing carrier signal.

In contrast, Wood does not disclose transmitting a carrier signal not-present signal as a consequence of a missing carrier signal. Wood merely discloses a transmitter 32 which is switchable between operating in a modulated backscatter transmitter mode and an active mode based on a radio frequency command received from an interrogator. In other words, Wood describes the interrogator sending separate command signals to switch between the backscatter transmitter mode and the active mode. Nevertheless, Wood does not describe switching modes in response to the absence of a signal, or as a consequence of a missing signal, because the mode switching of Wood relies on the presence of a specific command signal to switch from the backscatter transmitter mode to the active mode, or vice versa. Therefore, even if Wood were to describe generating a carrier signal present signal and a carrier signal not-present signal, in response to the

separate command signals from the interrogator, Wood does not disclose transmitting a carrier signal not-present signal as a consequence of a missing carrier signal, as recited in the claim.

In addition, as a separate basis of patentability, claim 1 recites "command signal recognition means for recognizing a command signal that can be transmitted with the aid of the carrier signal and for generating and transmitting, within the circuit of the communication partner appliance, a command-end signal that represents the end of the transmitted command signal" (emphasis added).

In contrast, Wood does not recite generating and transmitting a command-end signal within the circuit of a communication partner appliance. Although the Office Action appears to suggest that the unmodulated 2.44 GHz signal described in Wood might be a command-end signal, Applicant submits that the 2.44 GHz signal of Wood does not anticipate the clarified language of the claim because the 2.44 GHz signal of Wood is generated by the interrogator and transmitted out of the interrogator. The 2.44 GHz signal of Wood is not generated and transmitted within the interrogator or, alternatively, within the corresponding radio frequency data communication device. Rather, the 2.44 GHz signal is transmitted from the interrogator to the radio frequency data communication device.

Moreover, it should be noted that the system of Wood describes a single device—the interrogator—which functions to transmit both the carrier signal and the 2.44 GHz signal. In contrast, within the context of the claim, the carrier signal and the carrier-end signal are generated by different communication partner appliances. In particular, a first communication partner appliance receives the carrier signal from second communication partner appliance (i.e., the second communication partner appliance generates the carrier signal), and then the first communication partner appliance generates and transmits the command-end signal within the first communication partner appliance. Therefore, the system of Wood describes a different type of system because Wood merely describes a single device which generates both the carrier signal and the 2.44 GHz signal, rather than two separate functional units which independently generate the carrier signal and the command-end signal.

For the reasons presented above, Wood does not disclose all of the limitations of the claim because Wood does not disclose transmitting a carrier signal not-present signal as a consequence of a missing carrier signal. Additionally, Wood does not disclose generating and transmitting a command-end signal within the circuit of a communication partner appliance. Accordingly, Applicant respectfully asserts amended claim 1 is patentable over Wood because Wood does not disclose all of the limitations of the claim.

Independent Claim 5

Applicant respectfully asserts independent claim 5 is patentable over Wood at least for one or more reasons similar to those stated above in regard to the rejection of independent claim 1. Claim 5 recites "first control elements for generating and transmitting, within the circuit of the communication partner appliance, a command-end signal that represents the end of the generated command signal" (emphasis added).

Here, although the language of claim 5 differs from the language of claim 1, and the scope of claim 5 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 5. Accordingly, Applicant respectfully asserts claim 5 is patentable over Wood at least because Wood does not disclose generating and transmitting a command-end signal within the circuit of a communication partner appliance, as recited in the claim.

Independent Claim 11

Applicant respectfully asserts independent claim 11 is patentable over Wood at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 11 recites "wherein in the communication partner appliance detection of the presence of the received carrier signal takes place, and in the event of the carrier signal being present, a carrier signal present signal is transmitted, and otherwise a carrier signal not-present signal is transmitted as a consequence of a missing carrier signal" (emphasis added). Claim 11 also recites "wherein recognition of a command signal that can be transmitted with the aid of the carrier signal takes place, and generation and transmission of a command-end signal that represents the end of the transmitted

command signal takes place within the circuit of the communication partner appliance" (emphasis added).

Here, although the language of claim 11 differs from the language of claim 1, and the scope of claim 11 should be interpreted independently of claim 1, Applicant respectfully asserts that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 11. Accordingly, Applicant respectfully asserts claim 11 is patentable over Wood because Wood does not disclose generating and transmitting a command-end signal within the circuit of a communication partner appliance, as recited in the claim. Additionally, as a separate basis of patentability, Applicant respectfully asserts claim 11 is patentable over Wood because Wood does not disclose transmitting a carrier signal not-present signal as a consequence of a missing carrier signal, as recited in the claim.

Dependent Claims 2-4 and 7-10

Claims 2-4 and 6-10 depend from and incorporate all of the limitations of the corresponding independent claims 1 and 5. Applicant respectfully asserts claims 2-4 and 6-10 are allowable based on allowable base claims. Additionally, each of claims 2-4 and 6-10 may be allowable for further reasons.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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